

REMARKS

In the Final Office Action¹, the Examiner:

1. rejected claims 1, 4, 6, 11, 12, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,646,676 to Dewkett et al. ("*Dewkett*") in view of U.S. Patent No. 4,616,263 to Eichelberger ("*Eichelberger*");
2. rejected claims 2, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, and further in view of U.S. Patent No. 6,286,142 to Ehreth ("*Ehreth*");
3. rejected claims 3, 5, 10, 13, 15, 19, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, and further in view of U.S. Patent No. 6,139,197 to Banks ("*Banks*");
4. rejected claims 7-9, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, and further in view of U.S. Patent No. 6,151,325 to Hluchyj ("*Hluchyj*");
5. rejected claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, *Banks*, and further in view of U.S. Patent No. 6,014,706 to Cannon et al. ("*Cannon*"); and
6. rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, *Banks*, and further in view of U.S. Patent No. 6,052,715 to Fukui et al. ("*Fukui*").

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Final Office Action.

Applicant has amended claims 1, 17, 27, and 28, and claims 1-28 remain pending.

I. Regarding the rejection of claims 1, 4, 6, 11, 12, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett* in view of *Eichelberger*

Applicant respectfully traverses the rejection of claims 1, 4, 6, 11, 12, 17, and 20 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Amended independent claim 1 recites a system comprising, *inter alia*:

a massively parallel video server . . .
a plurality of client devices configured to receive at least some of the plurality of video streams; and
a high capacity transport system for transporting the video streams from the massively parallel video server to the plurality of client devices, wherein
the video server program configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier.

(emphasis added). *Dewkett* discloses a system that “eliminates bandwidth limitations caused by transmitting movie data (and similar text/graphic data) through system memory buses and associated buses” (col. 4, lines 13-15). In *Dewkett*, a client device “maintains a continuous transmission of the movie for smooth TV viewing of the movie data by issuing a series of next block commands to the MM controller (transparent to the human user of the STB)[.] . . . buffers each received data block, and performs any decoding, cryptography, metering, and control function as it outputs the STB buffered data to the attached TV set for viewing and sound” (col. 5, line 65 - col. 6, line 5).

Even assuming that *Dewkett* discloses the claimed “video server program,” which Applicant does not concede, *Dewkett* does not teach or suggest the claimed “mapping” of an “IP address.” Therefore, *Dewkett* does not teach or suggest a “video server

program” that “configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier,” as recited in claim 1.

Eichelberger does not cure the deficiencies of *Dewkett*. *Eichelberger* discloses a video control unit for “determining the storage location of video segments and for scheduling broadcast times for various segments” (col. 1, lines 36-38). However, *Eichelberger* does not teach or suggest a “video server program” that “configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier,” as recited in claim 1.

As set forth above, the combination of *Dewkett* and *Eichelberger* does not teach or suggest all elements of claim 1. Moreover, there is no teaching or suggestion that would lead one of ordinary skill in the art to modify the references to achieve the combination of claim 1. Thus, as outlined above, the Final Office Action has neither properly determined the scope and content of the cited references nor properly ascertained the differences between the cited references and claim 1. Therefore, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the cited references and a *prima facie* case of obviousness has not been established with respect to claim 1.

Thus, claim 1 is allowable for at least these reasons, and claims 4, 6, 11, and 12 are also allowable at least due to their dependence from claim 1.

Independent claim 17, while of different scope, recites elements similar to those of claim 1 and is thus allowable over *Dewkett* and *Eichelberger* for at least the same

reasons discussed above in regard to claim 1. Moreover, claim 20 is also allowable at least due to its dependence from claim 17.

II. Regarding the rejection of claims 2, 18, and 26 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, and *Ehreth*

Regarding the rejection of claims 2, 18, and 26, which depend from claims 1 and 17, the Examiner relies on *Ehreth* for allegedly disclosing "a method for communicating video signals to a plurality of television sets 100" (Final Office Action at page 5). However, *Ehreth* does not teach or suggest a "video server program" that "configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier," as recited in claim 1, similarly recited in independent claim 17, and required by dependent claims 2, 18, and 26.

As explained above, the elements of claims 1 and 17 are neither taught nor suggested by the cited references, whether taken individually or in combination. Accordingly, the Final Office Action has neither properly determined the scope and content of the cited references nor properly ascertained the differences between the cited references and the claims. Therefore, no reason has been clearly articulated as to why claims 1 and 17 would have been obvious to one of ordinary skill in view of the references and a *prima facie* case of obviousness has not been established. Dependent claims 2, 18, and 26 are also allowable over *Dewkett*, *Eichelberger*, and *Ehreth*, for at least the same reasons as their respective base claims 1 and 17.

III. Regarding the rejection of claims 3, 5, 10, 13, 15, 19, 23, and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, and *Banks*

Regarding the rejection of claims 3, 5, 10, 13, 15, 19, 23, and 24, which depend from claims 1 and 17, the Examiner relies on *Banks* for allegedly disclosing “a Video Server 102 with a video encoder 106 that streams real-time video on the fly to Client 110” (Final Office Action at page 6). However, *Banks* does not teach or suggest a “video server program” that “configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier,” as recited in claim 1, similarly recited in independent claim 17, and required by dependent claims 3, 5, 10, 13, 15, 19, 23, and 24.

As explained above, the elements of claims 1 and 17 are neither taught nor suggested by the cited references, whether taken individually or in combination. Accordingly, the Final Office Action has neither properly determined the scope and content of the cited references nor properly ascertained the differences between the cited references and the claims. Therefore, no reason has been clearly articulated as to why claims 1 and 17 would have been obvious to one of ordinary skill in view of the cited references and a *prima facie* case of obviousness has not been established. Dependent claims 3, 5, 10, 13, 15, 19, 23, and 24 are also allowable over *Dewkett*, *Eichelberger*, and *Banks*, for at least the same reasons as their respective base claims 1 and 17.

IV. Regarding the rejection of claims 7-9, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, and *Hluchyj*

Regarding the rejection of claims 7-9, 21, and 22, which depend from claims 1 and 17, the Examiner relies on *Hluchyj* for allegedly disclosing "a high-capacity multistage switching system" (Final Office Action at page 7). However, *Hluchyj* does not teach or suggest a "video server program" that "configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier," as recited in claim 1, similarly recited in claim 17, and required by dependent claims 7-9, 21, and 22.

As explained above, the elements of claims 1 and 17 are neither taught nor suggested by the cited references, whether taken individually or in combination. Accordingly, the Final Office Action has neither properly determined the scope and content of the cited references nor properly ascertained the differences between the cited references and the claims. Therefore, no reason has been clearly articulated as to why claims 1 and 17 would have been obvious to one of ordinary skill in view of the cited references and a *prima facie* case of obviousness has not been established. Dependent claims 7-9, 21, and 22 are also allowable over *Dewkett*, *Eichelberger*, and *Hluchyj*, for at least the same reasons as their respective base claims 1 and 17.

V. Regarding the rejection of claims 14 and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, *Banks*, and *Cannon*

Regarding the rejection of claims 14 and 25, which depend from claims 1 and 17, the Examiner relies on *Cannon* for allegedly disclosing "a Video Camera 106 and an encoder 110 that performs encod[ing] video off-line or live" (Final Office Action at

page 8). However, *Cannon* does not teach or suggest a “video server program” that “configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier,” as recited in claim 1, similarly recited in claim 17, and required by dependent claims 14 and 25.

As explained above, the elements of claims 1 and 17 are neither taught nor suggested by the cited references, whether taken individually or in combination. Accordingly, the Final Office Action has neither properly determined the scope and content of the cited references nor properly ascertained the differences between the cited references and the claims. Therefore, no reason has been clearly articulated as to why claims 1 and 17 would have been obvious to one of ordinary skill in view of the cited references and a *prima facie* case of obviousness has not been established. Dependent claims 14 and 25 are also allowable over *Dewkett*, *Eichelberger*, *Banks*, and *Cannon*, for at least the same reasons as their respective base claims 1 and 17.

VI. Regarding the rejection of claim 16 under 35 U.S.C. § 103(a) as being unpatentable over *Dewkett*, *Eichelberger*, *Banks*, and *Fukui*

Regarding the rejection of claim 16, which depends from claim 1, the Examiner relies on *Fukui* for allegedly disclosing a “server 6 which provides data in the form of HTML to Information Terminal 1” (Final Office Action at page 9). However, *Fukui* does not teach or suggest a “video server program” that “configures a video session with the plurality of client devices by mapping an IP address of each of the plurality of client devices to a virtual path identifier and a virtual circuit identifier,” as recited in claim 1 and required by dependent claim 16.

As explained above, the elements of claim 1 are neither taught nor suggested by the cited references, whether taken individually or in combination. Accordingly, the Final Office Action has neither properly determined the scope and content of the cited references nor properly ascertained the differences between the cited references and claim 1. Therefore, no reason has been clearly articulated as to why claim 1 would have been obvious to one of ordinary skill in view of the cited references and a *prima facie* case of obviousness has not been established. Dependent claim 16 is also allowable over *Dewkett*, *Eichelberger*, *Banks*, and *Fukui*, for at least the same reasons as base claim 1.

VII. Claims 27 and 28

Claims 27 and 28 were added in the Reply to Office Action of March 31, 2008. The Final Office Action has not addressed these claims. Applicant therefore respectfully requests that the status of these claims be addressed in the next Office communication. Moreover, claims 27 and 28 are not obvious in view of the cited references at least due to their dependence from base claims 1 and 17.

VIII. Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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